

**CITY OF WILLCOX
MAYOR AND CITY COUNCIL MEETING**

SPECIAL MEETING AGENDA

NOTE DATE: Monday, July 30, 2012

NOTE TIME: 6:00 p.m.

City Council Chambers

300 W. Rex Allen Drive

Willcox, AZ 85643

(Mayor or Designee will read only **BOLD** print of each agenda item,
except for Public Hearings, Petitions and Communications.)

**Resolution No. 2011-77
Ordinance NS311**

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. CALL TO THE PUBLIC

Mayor and Council consideration of comments or complaints from the public. Those wishing to address the Council are required to register by completing an individual speaker's form and filing it with the Clerk before the meeting. The speaker must be recognized by the Mayor before speaking. Time permitting each presentation will be given approximately three (3) minutes. It is probable that each organization will be limited to one speaker. Action taken as a result of public comment will be limited to directing staff to study or reschedule the matter for further consideration at a later date.

5. DECLARATION ON CONFLICT OF INTEREST

Council members and staff have a right to declare a conflict of interest. The declaration of a conflict of interest must be made prior to discussion of any agenda item in which Council members or staff member determine they have a conflict of interest.

6. ADOPTION OF THE AGENDA

The Council will at this time either adopt the agenda as presented or may remove or table any of the listed agenda items. Tabled items, unless otherwise directed, will appear on the next regular agenda. Council may not add any items to the agenda at this time. Should staff have any recommendations concerning the exclusion or tabling of agenda items they will voice these recommendations at this time.

7. PUBLIC HEARINGS, PETITIONS AND COMMUNICATIONS

PUBLIC HEARING: The Mayor and Council will hold a public hearing during the Special Meeting on Monday, July 30, 2012 City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ regarding:

Application for Extension of Premises/Patio Permit Nakai's, Person Transfer, Location Transfer, Individual. Marie Louise Figueroa, 116 E Maley, Willcox, AZ.

8. DISCUSSION/DECISION REGARDING THE APPLICATION FOR LIQUOR LICENSE SERIES #06 NAKAI'S, PERSON TRANSFER, LOCATION TRANSFER, INDIVIDUAL, MARIE LOUISE FIGUEROA, 116 E. MALEY, WILLCOX, AZ

Consideration, discussion and/or decision regarding the application for Extension of Premises/Patio Permit Nakai's Person Transfer, Location Transfer, Individual, Marie Louise Figueroa, 116 E. Maley, Willcox, AZ

9. DISCUSSION/DECISION ENTER EXECUTIVE SESSION PURSUANT TO ARIZONA REVISED STATUTES § 38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY

Consideration, discussion and/or decision to enter into an Executive Session pursuant to ARS § 38-431.03A(3), as stated, relating to consultation for legal advice with the attorney(s) of the public body.

10. RECESS TO EXECUTIVE SESSION, IF APPROVED

11. RECONVENE FROM EXECUTIVE SESSION

12. DISCUSSION/DECISION REGARDING MATTERS RELATING TO THE EXECUTIVE SESSION

Consideration, discussion and/or decision regarding matters relating to the Executive Session.

13. ADJOURN.

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, the Elsie S. Hogan Community Library during regular business hours Monday-Saturday or on the City's website www.cityofwillcox.org.

NOTE: People with disabilities may request reasonable accommodations. Requests must be made 48 hours prior to the meeting by contacting City Hall at 384-4271 during regular business hours 8:00 a.m. to 4:30 p.m., Monday through Friday.

NOTICE TO PARENTS: Valley Telecom Group records all Wilcox City Council meetings. These recordings may be played and replayed on Valley Telecom Cable Channel 1. If you permit your child to participate in the Council Meeting, a recording will be made of your child's participation. If your child is seated in the audience, he or she may be recorded. If you desire, you may request that your child be seated in a designated area to avoid recording. To do so, please submit your request to the City Clerk prior to the meeting. (A.R.S. §1-602.A)



NOTICE OF MEETING **CITY COUNCIL**

In accordance with Resolution No. 370 of the City of Willcox, and Section §38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold a **SPECIAL MEETING** on **MONDAY** the **30TH** day of **July** 2012, at **6:00 P.M.**, at the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, WILLCOX, AZ.**

Items for consideration, discussion and/or decision relating to Special Meeting:

- Please see the posted Special Meeting Agenda for items or visit www.cityofwillcox.org website.
- **PUBLIC HEARING:** The Mayor and Council will hold a public hearing during the Special Meeting on Monday, July 30, 2012 City Council Chambers, 300 W. Rex Allen Drive, Willcox, AZ regarding:
Application for Extension of Premises/Patio Permit Nakai's, Person Transfer, Location Transfer, Individual. Marie Louise Figueroa, 116 E Maley, Willcox, AZ.
- Discussion/Decision regarding the application for Extension of Premises/Patio Permit Nakai's, as stated above.

*Public Hearings: For those persons unable to attend, written comments will be accepted until 4 p.m. the day of the public hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ 85643.

All members of the public are invited to attend such meeting.

DATED AND POSTED this 25th day of July 2012, at 8:45 A.M.

CITY OF WILLCOX, ARIZONA

/s/Virginia A. Mefford

City Clerk Virginia A. Mefford

Agenda\2012\073012spmtgnotice

"Mine, Yours, Ours"

**CITY OF WILLCOX
EXECUTIVE SESSION**

AGENDA

MONDAY, JULY 30, 2012

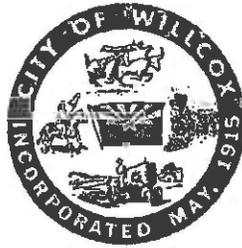
6:00 p.m.

300 W. REX ALLEN DRIVE

Willcox, Arizona

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CONSIDERATION PURSUANT TO ARIZONA REVISED STATUTES §38-431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY**
Consideration and/or discussion pursuant to Arizona Revised Statutes §38-431.03(A)(3), as stated relating to consultation for legal advice with the attorney(s) of the public body.
- 4. ADJOURN**

"Mine, Yours, Ours"



NOTICE OF EXECUTIVE SESSION

CITY COUNCIL

In accordance with Resolution No. 370 of the City of Willcox, and Section 38-431.01 of the Arizona Revised Statutes **NOTICE IS HEREBY GIVEN** that the **MAYOR AND COUNCIL** of the City of Willcox, County of Cochise, Arizona, will hold an **EXECUTIVE SESSION**, if approved, during the **REGULAR** meeting on **MONDAY**, the **16th** day of **JULY** 2012 at **7:00 p.m.** in the **CITY COUNCIL CHAMBERS, 300 W. REX ALLEN DRIVE, Willcox, AZ**

Item for Consideration and Discussion are:

A.R.S. §38.431.03A(3) DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY,
Consideration and/or discussion regarding consultation for legal advice with the Attorney or Attorney's of the public body.

DATED AND POSTED this 10th day of July 2012, at 4:00 P.M.

CITY OF WILLCOX, ARIZONA

/s/ Virginia A. Mefford
City Clerk Virginia A. Mefford

"Mine, Yours, Ours"

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: _____
Tab Number: _____
Date: 7-30-12

Date Submitted: 7/23/2012
Date Requested: 8/06/2012

Action:
<input checked="" type="checkbox"/> Resolution
<input type="checkbox"/> Ordinance
<input type="checkbox"/> Formal
<input type="checkbox"/> Other

Subject: Discussion / Decision Permanent Extension of Premises for Nakai's

TO: MAYOR AND COUNCIL

DISCUSSION: The owners of Nakai's, located at 116 East Maley St., are requesting a permanent extension of premises. The extension will be into the former Willcox Heating and Cooling Building located at 115 South Haskell Ave.

The owners have filed the required forms with the City. The City Council must give approval before the request can be forwarded to the State. If approved, the City may send the forms via registered mail, deliver in person or the owners may deliver in person. Per our last conversation the owners have elected to deliver approved request in person.

Wes Kuhl of the Arizona Liquor Board stated that there are no requirements for publication or posting for this type of action. Mr. Kuhl was contacted by phone on Friday July 20, 2012 at 11:40 am to confirm this information.

RECOMMENDATION: Approve the resolution to approve the permanent extension of premises for Nakai's.

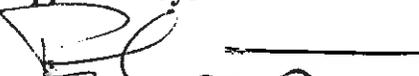
FISCAL IMPACT N/A

Prepared by:



Dave Bonner, Public Services & Works Director

Approved by:



Pat McCourt, City Manager

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Date payment received
CSR Initials

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

THIS APPLICATION MUST BE RETURNED TO THE DEPARTMENT OF LIQUOR

Permanent change of area of service - List specific purpose for change: Need additional space to serve our customer base + to provide a community events facility
Temporary change for date(s) of: / / through: / / List specific purpose for change:

- 1. Licensee's Name: Figueroa Marie Louise
2. Mailing Address: P.O. Box 1146 Willow AZ 85644
3. Business Name: Ninkai's Bar, LLC LICENSE #: 0603-025
4. Business Address: 116 E. Main
5. Business Phone: (520) 766-5500 Residence Phone: (520) 400-3232
6. Do you understand Arizona Liquor Laws and Regulations? [X] YES [] NO
7. Have you received approved Liquor Law Training? [] NO [X] YES
8. What security precautions will be taken to prevent liquor violations in the extended area? Security Personnel / Medical Personnel / Staff
9. Does this extension bring your premises within 300 feet of a church or school? [] YES [X] NO
10. IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.

Barrier Exemption: an exception to the requirement of barriers surrounding a patio/outdoor serving area may be requested. Barrier exemptions are granted based on public safety, pedestrian traffic, and other factors unique to a licensed premises. List specific reasons for exemption:
Investigation Recommendation [] Approval [] Disapproval by: Date: / /

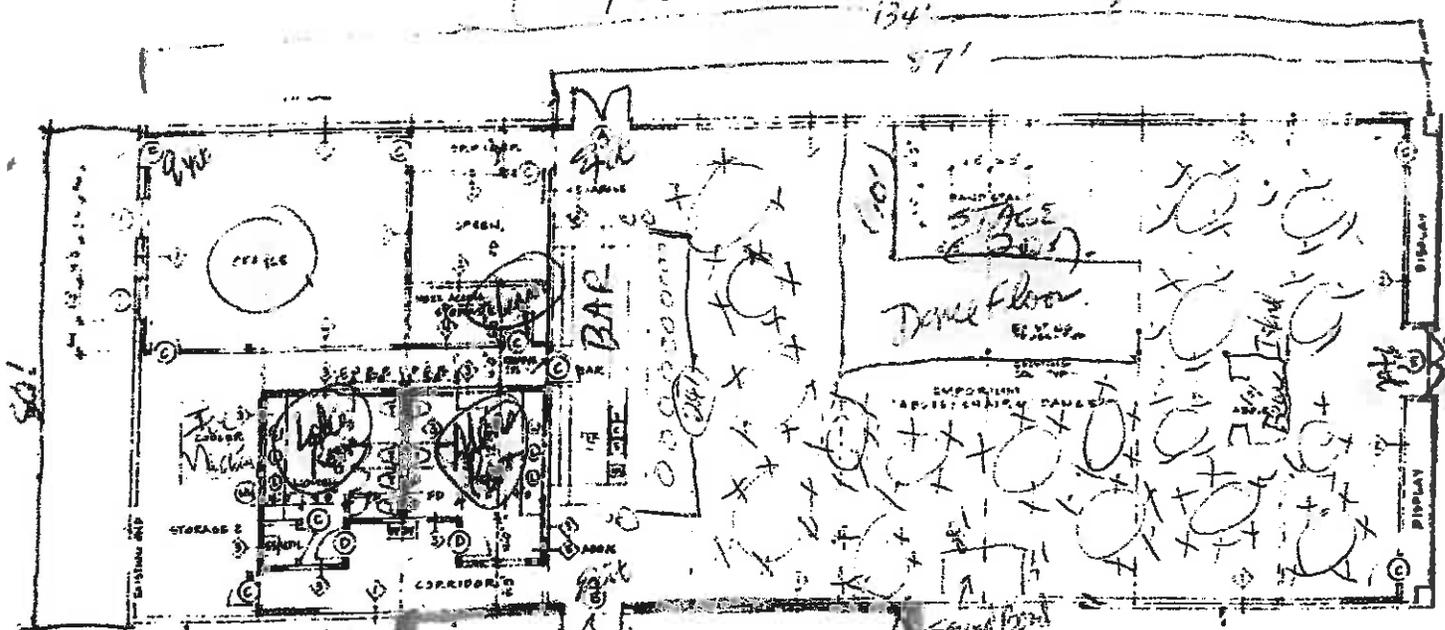
After completing sections 1-10, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.
This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:
(Authorized Signature) (Title) (Agency)

Marie L. Figueroa being first duly sworn upon oath, hereby depose, swear and declare under penalty of perjury, that I am the APPLICANT making the foregoing application. I have read this application and the contents and all statements are true, correct and complete.
x Marie L. Figueroa (Signature of Owner or Agent)
State of ARIZONA County of COCHISE
SUBSCRIBED IN MY PRESENCE AND SWORN TO before me this 12th JULY 2012
Heather Hartzell (Signature of NOTARY PUBLIC)

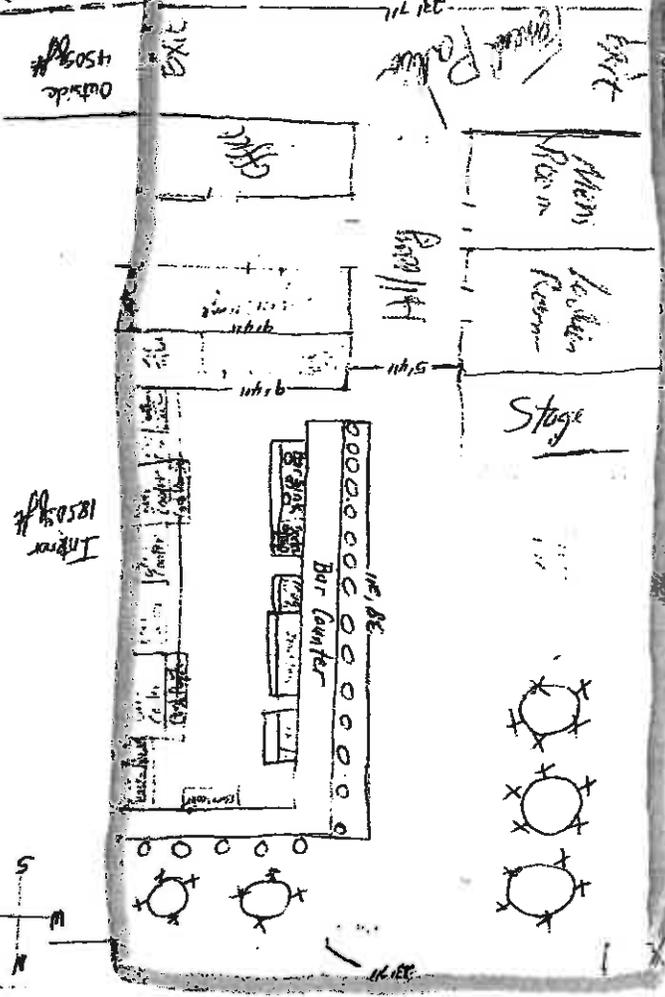


Investigation Recommendation [] Approval [] Disapproval by: Date: / /
Director Signature required for Disapprovals Date: / /

(EXTENDED PREMISES)



Part Addition



~~Existing layout~~
~~Demolition~~
~~...~~
~~...~~
~~...~~

NAKAI'S BAR LLC

Physical Address
116 East Maley Street
Willcox, AZ 85643

Mailing Address
P. O. Box 1146
Willcox, AZ 85644

(520) 766-5500

July 24, 2012

CITY OF WILLCOX
C/O City Manager's Office
Liquor License Department
Hand Delivered Special Meeting Request

To Whom It May Concern:

A special meeting request is formally filed with the City Manager's Office regarding Nakai's Bar LLC re: permanent extended liquor license matter.

I officially filed the required liquor license paperwork with the City Manager's office more than 24 hours prior to the posting requirements. My agenda item did not make it on the last agenda. I was informed that the City Manager had some concerns that the Liquor Board or a state statute required some type of posting/notice before going to the Council. I was informed that he instructed staff to call the Liquor Board about the issue. I further followed up on his concerns. In fact, I called the actual official in the City Manager's presence and in Mr. Bonner's presence and we were advised that no such postings are required.

Having ascertained those facts, I was informed that the matter would be on the August agenda. However, I am trying to open before Rex Allen Days and need Council action ASAP. The timing is crucial as our company has invested over \$100,000 dollars to complete the remodeling. In addition, my employee force will be approximately 12 employees upon opening the new place. I respectfully submit that the economic benefits need to be addressed by the Council via an emergency meeting to be held immediately after providing proper notice as required by law.

I respectfully request that this matter be heard at a special meeting ASAP. Time is of the essence since we are trying to have all the remodeling done prior to Rex Allen Days. I thank you.

Sincerely,

Marie L. Figueroa

Marie L. Figueroa

